

WILL WORKSHEET

Welcome to the Legal Assistance office. This worksheet is designed to answer common questions concerning wills, to assist you in preparing to discuss your needs and desires with the attorney, and to provide a convenient form on which to record important information. This worksheet is the first phase in the WILL preparation process. After it is complete you will be given an opportunity to discuss your WILL with an attorney. NOTE: Where multiple choices of answers to questions are provided to you on this worksheet, please circle the appropriate answer.

Mode _____ Case Type _____ Services _____

PART I – PERSONAL INFORMATION

DATE: _____

ATTORNEY: _____

FULL NAME: (First, Middle and Last): _____ RANK: _____ LAST FOUR OF YOUR SSAN: _____

GENDER: M _____ F _____

MARITAL STATUS: Now Married _____ Never Married _____ Previously Married _____

SPOUSE'S NAME (First, Middle, Last): _____

HOME ADDRESS: _____ UNIT: _____

HOME PHONE: _____ WORK PHONE: _____

EMAIL ADDRESS: _____ DO YOU CURRENTLY HAVE A WILL? YES _____ NO _____

STATE OF DOMICILE: _____ IN WHAT STATE ARE YOU LIVING? _____

MILITARY STATUS: Active Duty _____ Retired Military _____ Married to Active Duty Military _____ Married To A Military Retiree _____
A Dependent Of An Active Duty Service Member _____ Dependent Of A Military Retiree _____ Widow/Widower _____

DO YOU HAVE CHILDREN? YES _____ NO _____ (Please list names of all children, natural born, adopted and step children you want included in your WILL. Are any below the age of 18) YES _____ NO _____

Names: _____

WHAT IS A PERSONAL REPRESENTATIVE: A personal representative (executor/executrix) is a person that you name in your will to carry out your wishes, as expressed in your will, and to settle your estate. Settlement includes paying, from your estate, any taxes and debts you may owe. Many married people name their spouses as personal representative. Often a security fee or bond is required of this person; however most states allow you to specify in your WILL that you want the fee waived. Your personal representative will have an important role. Choose him or her with care, and discuss the matter with him or her. Be sure that the person you name is one you can trust and have confidence in.

WHO IS THE PERSON YOU WISH TO NAME AS YOUR PERSONAL REPRESENTATIVE/EXECUTOR? _____

SPOUSE OR OTHER (Name and Relationship to You)? _____

NAME AN ALTERNATE: _____

PART III – DISTRIBUTION OF PROPERTY

VALUE OF THE ESTATE: To determine what type of WILL is appropriate for you, we need an estimate of the value of your estate. For this purpose, total the value of all of the property you own in your name, and if married, the value of your spouse's property. If any of your property secures a debt (for example, a mortgage on your home) include your equity in the property. Also, include the value of your life insurance policies (SGLI, VGLI, etc). Note that life insurance ordinarily does NOT pass according to your WILL; it will go to the beneficiaries you designated on the insurance forms. However, the value of the insurance is included in determining whether estate taxes will apply in your case.

HOW SHOULD I LEAVE MY PROPERTY? Generally speaking, you may state in your WILL that you are leaving your property to anyone you wish, although laws in most states give your spouse and/or your children a right to a portion of your property. Most married persons leave all their property to their spouse, and, if their spouse does not survive them, then to their children.

REAL ESTATE: DO YOU OWN REAL ESTATE? YES _____ OR _____ NO (PLEASE INDICATE THE ADDRESS OF THE REAL ESTATE AND HOW IT IS TITLED)

HOW DO YOU WISH TO GIVE THE REAL ESTATE? All to my spouse _____ To pass with the rest of my state _____ My home to my spouse and the rest of my real estate to pass with the rest of my estate. _____ My home to my spouse for as long as my spouse lives there and then my home and the rest of my real estate to pass with the rest of my estate _____ Different properties to different beneficiaries _____.

CAN I GIVE SPECIFIC THINGS TO SPECIFIC PEOPLE? Yes, these are called specific bequests and you may make them by fully describing what you want to give and the person who is to receive it. You should be careful in making a specific bequest. If you dispose of the property that you describe, or if there is any doubt about the exact property that you have described in your WILL, you may create difficulties for your executor.

I WANT MY PROPERTY TO BE DISTRIBUTED AS FOLLOWS:

1. I WISH TO MAKE THE FOLLOWING SPECIFIC BEQUESTS: NONE _____ or Name and Relation:

a. _____ Description of Property: _____

b. _____ Description of Property: _____

2. I WISH TO LEAVE ALL OR THE REST OF MY PROPERTY TO:

a. MY SPOUSE or MY CHILDREN or OTHER (Name and Location) _____

b. IF THE PERSON NAMED IN "A" DO NOT SURVIVE ME, I WANT ALL OR THE REST OF MY PROPERTY TO GO TO THE FOLLOWING: MY SPOUSE or MY CHILDREN or OTHER (Name and Location): _____

c. IF NONE OF THE ABOVE PERSONS NAMED IN "A" OR "B" SURVIVE ME, I WANT ALL OR THE REST OF MY PROPERTY TO GO TO THE FOLLOWING: NAMES(S) AND RELATION(S): _____

d. AS A LAST RESORT, TO: MY HEIRS or MY AND MY SPOUSE'S HEIRS or CHARITY (Name and Location): _____

3. DO YOU INTEND TO DISINHERIT A SPOUSE CHILD OR OTHER DESCENDENT? YES _____ NO _____

PART IV – CREATING A TRUST FOR MINOR BENEFICIARIES

WHAT IS A TRUST AND WHO MANAGES IT? If you named minors as beneficiaries of your estate in Part III, you may want to establish a trust for these children. A trust is an instrument in which one person holds property for the benefit of another. This property will be held in trust until such time as the children reach the age of distribution (which you choose). The trust will be administered by a trustee, who should be a person of your choice whom you have confidence in to handle financial matters for the children. The trustee will be responsible for collecting the trust property, establishing trust accounts, and making payments from the trust for the benefit, welfare, health and education of the children. When the children reach the age of distribution, the trust will extinguish and the trustee will then distribute the remaining property directly to the control of the beneficiaries. Trusts provide legal controls on money and assets given to children. Nevertheless, they can be cumbersome and not necessary give the Uniform Gifts to Minors Act (UGMA). For more information on this subject, please refer to our will information sheet "Understanding WILLS".

1. NAME THE TRUSTEE: _____ 2. NAME AN ALTERNATE: _____

2. AGE OF DISTRIBUTION: _____ 3. SINGLE _____ or SEPARATE TRUSTS _____ (Your attorney will explain the difference)

PART V – GUARDIAN FOR MINOR CHILDREN

WHAT IS A LEGAL GUARDIAN? A legal guardian is the person who will act as a parent for any of your children who are minors at the time of your death. Normally, if your spouse survives you, he or she becomes the children's guardian if he or she is the biological or adoptive parent of the children. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and your spouse die. If you or your spouse have children not born or of your current marriage, you should discuss the situation in detail with the attorney to determine the most appropriate way to provide for the children.

IF YOU HAVE ANY CHILDREN WHO ARE MINORS AT THE TIME OF YOUR DEATH, WHO IS YOUR FIRST CHOICE TO BE THEIR GUARDIAN? SPOUSE or OTHER (Name and Location): _____

UNDERSTANDING WILLS

WHAT IS A WILL?

A will is a legal document that states your desires concerning the disposition of your property after your death. A will also contains other specific directives from you concerning who is to implement your instructions and perhaps who will care for any minor children you may leave behind.

WHAT WILL HAPPEN IF I DIE WITHOUT A WILL?

The distribution of your property will be governed by the laws of the state of legal residence, and perhaps by the laws of the state in which you die. The state will not get your property if you die without a will unless you die with absolute no relatives. In other words, if you die without a will your property will pass according to state intestacy laws. Generally, these laws distribute property in the following order: to your spouse, then children, parents, and siblings, or in the absence of these individuals, your next of kin.

DO I NEED A WILL?

It depends on your individual circumstances.

1. If you are single and have no children, and you want your parents to get everything, you do not need a will
2. If you are married, have no children and want your spouse to get everything, you probably do not need a will.
3. If you have children, regardless of whether or not you are married, you probably should have a will to name guardian for these children and to name a trustee to handle the children's financial needs until they reach adulthood.

The above guidelines are extremely general in nature. You may wish to speak to an attorney about your particular circumstances and special needs.

WHAT IS IN MY ESTATE?

Your estate consists of all property, real and personal, in which you have an interest, such as money, savings accounts, stocks, house, furniture, insurance policies, etc. Some of your property may pass outside of your will; see "What is in my probate estate?" below.

WHAT DOES RESIDUARY ESTATE MEAN?

Residuary is a derivate of the word (residue). It means what is left over. Your residuary estate is the portion of your estate that is left over when everything else is disposed of.

WHAT IS PERSONAL AND TANGIBLE PROPERTY?

This means all of your property that is moveable, as opposed to real property, i.e., land.

WHO IS THE TESTATOR/TESTATRIX? EXECUTOR/EXECUTRIX?

You, the person making the will, are the Testator/Testatrix. A Testator is male; a Testatrix is female. The person named in the will to carry out the wishes expressed in the will would be the Executor or Executrix, sometimes known as the Personal Representative.

IMPORTANT INFORMATION ABOUT YOUR LEGAL ASSISTANCE VISIT

Helping you solve your legal problems is our highest priority at the Fort Huachuca Legal Assistance Office. In order to provide you with the best service possible, it is important to understand some basic points about your visit.

Your Lawyer's Closet Has a Master Lock on It!

Lawyers are in the business of keeping their clients' "secrets." When you see an attorney at our office you are forming an "Attorney-Client relationship." This relationship is important to you and the attorney because it means anything you say regarding your case will be kept CONFIDENTIAL. If you bring anyone else into the attorney's office with you that person may be forced by a judge or other authorities to disclose what is said between you and the attorney. Also, if you tell anyone else what is discussed between you and the attorney, that person may be required to report what was said. As a general rule, an attorney may disclose what you say in the course of attorney-client relationship only in very limited circumstances.

The "One Attorney" Rule

If you have seen another lawyer, civilian or military, and you are here to see us about the same or similar matter, you must disclose that information to the attorney. Having seen another attorney on the same or similar issue means we cannot see you.

Please write down or remember your attorney's name. If you need more help on the same matter in the future, ask to be seen with the same attorney. That attorney will be familiar with your case and will be able to provide you with the most efficient service possible.

A Word About "Conflicts"

Because we have a duty of loyalty to our clients, we cannot provide legal advice to anyone with adverse interests to any existing clients. A common example of this is, when we provide services to one spouse regarding separation or divorce we cannot see the other spouse on the same issue due to a conflict. If we cannot see you due to a conflict, we will provide you an opportunity to obtain legal assistance from another office.

Please sign below in the box provided so your attorney knows you have read this form and understand its contents. If you have any questions, please ask your attorney for an explanation.

Signature: _____ Date: _____

Print Last, First and Middle Initial: _____